

HOUSE BILL No. 1683

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-1.

Synopsis: Penalties for manslaughter and reckless homicide. Increases the penalty for: (1) voluntary manslaughter from a Class B felony to a Class A felony; (2) involuntary manslaughter from a Class C felony to a Class B felony; and (3) reckless homicide from a Class C felony to a Class B felony, in cases in which the victim is less than 17 years of age or at least 60 years of age.

Effective: July 1, 1999.

Mellinger, Klinker, Budak

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1683

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person who
3 knowingly or intentionally:

4 (1) kills another human being; or

5 (2) kills a fetus that has attained viability (as defined in
6 IC 16-18-2-365);

7 while acting under sudden heat commits voluntary manslaughter, a
8 Class B felony.

9 **(b) However, the offense is a Class A felony if:**

10 **(1) it is committed by means of a deadly weapon;**

11 **(2) the victim was less than seventeen (17) years of age at the**
12 **time of the offense; or**

13 **(3) the victim was at least sixty (60) years of age at the time of**
14 **the offense.**

15 **(c) The existence of sudden heat is a mitigating factor that**
16 **reduces what otherwise would be murder under section 1(1) of this**
17 **chapter to voluntary manslaughter.**

1999

IN 1683—LS 6872/DI 51+



SECTION 2. IC 35-42-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(b) A person who kills another human being while committing or attempting to commit:

(1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;

(2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or

(3) battery;

commits involuntary manslaughter, a Class C felony. ~~However, if the killing results from the operation of a vehicle, the offense is a Class D felony.~~

(c) A person who kills a fetus while committing or attempting to commit:

(1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;

(2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or

(3) battery;

commits involuntary manslaughter, a Class C felony. ~~However, if the killing results from the operation of a vehicle, the offense is a Class D felony.~~

(d) An offense described in subsection (b) or (c) is a:

(1) Class D felony if the killing results from the operation of a vehicle; and

(2) Class B felony if the victim was less than seventeen (17) years of age or at least sixty (60) years of age at the time of the offense.

SECTION 3. IC 35-42-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A person who recklessly kills another human being commits reckless homicide, a Class C felony. **However, the offense is a Class B felony if the victim was less than seventeen (17) years of age or at least sixty (60) years of age at the time of the offense.**

SECTION 4. [EFFECTIVE JULY 1, 1999] **IC 35-42-1-3, IC 35-42-1-4, IC 35-42-1-5, all as amended by this act, apply only to offenses committed after June 30, 1999.**

